



October 26, 2006

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Revision to Nolte Support Contract for Design Cost Increases – Soundwall and Multi-use Path, Agenda Item 8

Dear Commissioners:

Executive Summary

As final design nears completion on the Puerto Suello Hill multi-use path and sound-absorbing soundwalls, TAM staff and the Nolte team have engaged in a number of engineering work elements that were unforeseen at the time of originally scoping the project. As a result, the cost to complete the final construction package is greater than what was anticipated last Spring, when a budget for the design work was adopted. Extra efforts to redesign the bridge over Linden Avenue, to complete additional Regional Water Board permit mitigation design, and additional coordination meetings to expedite the project reviews through Caltrans are some of the new work elements that have increased the design cost. As a result, TAM staff recommend an additional \$451,200 be authorized for completion of the construction package for the multi-use path and sound-absorbing soundwalls, and for supporting any bidder inquiries or any further changes to the project plans, specs, and estimate during project advertisement and early in the construction phase. This brings the total design cost to \$2,161,000. For a project nearing \$18 Million in cost, this is a very reasonable total cost for environmental, design, right of way and final construction documents, especially in the time frame we did it in. The funds are available from Strategy 2 Highway 101, with available funding in this fiscal year that does not exceed funding levels anticipated in the adopted 2006 Strategic Plan.

Note also that the design support necessary during the bid advertisement period and early in the construction phase of the project necessitates the extension of the Nolte contract until June 2007. This time extension is for purposes of the design team finalizing any changes to the contract plans, specs, and estimate once the project is advertised in mid-December, responding as necessary to bidder inquiries, or any changes necessary early in the construction phase.

The Executive Committee approved the contract amendment at its meeting of October 11, 2006.

Recommendation: Approve an amendment to the Nolte design contract to cover unforeseen work for the Puerto Suello Hill multi-use path and sound-absorbing soundwall final design and construction packaging, not to exceed \$451,200. Extend the Nolte Contract with TAM until June 2007 for the sole purpose of providing necessary design support during the project bid period and early in the construction phase.

Strategy 2 of the Measure A Expenditure Plan specifies the completion of a north-south bicycle/pedestrian facility through Puerto Suello Hill to improve bicycle safety and the addition of sound absorptive soundwalls. Both the multi-use path and sound absorbing soundwalls will be included as elements of the Puerto Suello Hill segment of the Highway 101 GAP Closure Project (Segment 4).

As part of the on-call support services contract with Nolte Associates, Inc., the Nolte team has been providing on-going support to complete the environmental approvals, secure necessary permits, obtain right of way clearances, and complete design of the multi-use path and sound absorbing soundwall. The effort has been made more complex by the need to incorporate the almost 200 plan sheets into Caltrans completed design for the carpool lane project over Puerto Suello Hill. The effort to include these project features has been on an accelerated schedule so as not to delay the construction of the highway project.

The level of design effort to include these project features has exceeded what was originally envisioned and estimated. The additional scope of work includes:

- Structural Redesign (Linden Bridge): Decision to change from a pre-fabricated steel truss to a concrete box girder bridge, based on Caltrans input.
- Electrical: Design of the lighted Los Ranchitos pedestrian and bike crossing plus coordination with P.G.&E. for connection points that was originally assumed to be done by Caltrans.
- Services requested by Caltrans for right-of-way determinations
- Potholing needed for utility relocations
- Additional utility coordination
- Additional storm water mitigation design and coordination needed because of Regional Water Quality Control Board stormwater requirements
- Additional coordination, meetings with Caltrans to resolve issues
- Redesign to accommodate design exceptions: soundwall in front of existing wall & reduced lane widths
- Landscaping & Irrigation: additional design necessary for future landscaping of the entire trail
- Additional rounds of Caltrans comments and resubmittals

The current approved contract amount for the design work is \$1,709,800. An additional \$451,200 is requested to finalize the design for bid advertisement and to cover the cost of the additional and out of scope work noted above. These funds are available from existing Measure A funds. The funds are available from Strategy 2 Highway 101, with available funding in this fiscal year that does not exceed funding levels anticipated in the adopted 2006 Strategic Plan.

The Nolte contract needs to be extended to provide design support necessary during the bid advertisement period and early in the construction phase of the project. Staff recommends the extension of the Nolte contract until June 2007. This time extension is for purposes of the design team finalizing any changes to the contract plans, specs, and estimate once the project is

advertised in mid-December, responding as necessary to bidder inquiries, or any changes necessary early in the construction phase.

Recommendation: Approve an amendment to the Nolte design contract to cover unforeseen work for the Puerto Suello Hill multi-use path and sound-absorbing soundwall final design and construction packaging, not to exceed \$451,200. Extend the Nolte Contract with TAM until June 2007 for the sole purpose of providing necessary design support during the project bid period and early in the construction phase.

Attachments: 1) Fourth Addendum to Nolte Agreement
2) Exhibit A – Scope of Services

FOURTH ADDENDUM TO AGREEMENT

BY AND BETWEEN THE TRANSPORTATION AUTHORITY OF MARIN AND NOLTE ASSOCIATES, Inc., DATED March 24, 2005

THIS FOURTH ADDENDUM is made and entered into this 26th day of October, 2006, by and between the Transportation Authority of Marin, hereinafter referred to as "TAM," and Nolte Associates, Inc., hereinafter referred to as "Contractor."

RECTIALS:

WHEREAS, TAM and the Contractor entered into an agreement for On Call Support Services dated March 24, 2005 ("Agreement"); and a First Addendum on October 27, 2005; and a Second Addendum on January 26, 2006; and a Third Addendum on May 25, 2006 and

WHEREAS, the parties desire to amend the Agreement to provide a continuation of design services in the amount of \$451,200.00 for the north-south bicycle way through Puerto Suello Hill and addition of sound-absorptive materials on soundwalls in the Segment 4, 101 Gap Closure Project.

NOW, THEREFORE, the parties agree to modify agreement as set forth below.

AGREEMENT:

1. Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.
2. Item 1. SCOPE OF SERVICES is hereby amended to read as follows: Add Contractor agrees to provide all of the services described in **Exhibit "A – Addendum 4"** attached hereto and by this reference made a part hereof.
3. Item 4. MAXIMUM COST TO TAM is hereby amended to read as follows: In no event will the cost to TAM for services to be provided herein exceed the maximum sum of \$4,101,000 including direct non-salary expenses.
4. The term of the contract shall be extended until June 2007 for the sole purpose of design support during advertisement of the contract and early in the construction phase.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Addendum on the day first written above.

"TAM"

"CONTRACTOR"

**TRANSPORTATION AUTHORITY OF
MARIN**

By:

Chair

By:

Thomas G. Kurkijian
Nolte Associates, Inc.

**TRANSPORTATION AUTHORITY OF MARIN
STANDARD SHORT FORM PERSONAL/PROFESSIONAL SERVICES CONTRACT**

Exhibit A – Addendum 4
SCOPE OF SERVICES

Nolte Associates, Inc. (Contractor) provides consulting services to the Transportation Authority of Marin (TAM) for services described in Exhibit A to original contract, entered into on March 24, 2005. On October 27, 2005, Addendum 1 was approved and January 26, 2006, Addendum 2 was approved and May 25, 2006, Addendum 3 was approved. The addendums added additional on-call services for the environmental clearance and design of the bike/ped path over Puerto Suello Hill and soundwall sound absorptive treatment to be constructed as part of the Segment 4 101 Gap Closure Project. The original contract term ended on June 30, 2006 and Addendum 3 extended the contract term to December 31, 2006.

Services to be provided under Addendum 4 are described below:

Tasks 200-400 (Additional Tasks)

1. Structural redesign of the Linden Bridge – change from a pre-fabricated steel truss to a concrete box girder bridge based on Caltrans input.
2. Electrical design of the Los Ranchitos pedestrian and bike crossing plus coordination with PG&E for connection points that was originally assumed to be completed by Caltrans.
3. Services requested by Caltrans for right-of-way determinations.
4. Potholing for utility relocations.
5. Additional utility coordination.
6. Additional storm water mitigation design and coordination due to Regional Water Quality Control Board stormwater requirements.
7. Additional coordination and meetings with Caltrans to resolve issues.
8. Redesign to accommodate design exceptions for soundwalls: soundwall in front of existing wall and reduced lane and shoulder widths.
9. Additional design for future landscaping and irrigation for entire length of trail.
10. Responding to additional rounds of Caltrans comments and re-submittals.